

REMARKS

In response to the Office Action dated November 28, 2005, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claims 1, 7 and 26 were objected to and have been amended in a non-narrowing manner to address the items raised by the Examiner.

Claims 1-8, 11 and 19-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Hogan and Culbreth. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*:

“wherein each of said at least one participant party is contacted via said call facility regardless of intention or availability and without a capability of responding or directly communicating with said call facility; and

wherein if one or more participant parties are unavailable for initial audio connection, then said call facility automatically re-attempts audio connection to said one or more participant parties unavailable for initial audio connection a predetermined number of times before dropping said one or more participant parties unavailable for initial audio connection.”

As noted by the Examiner, Wu fails to teach these features. The Examiner relies on Hogan as allegedly disclosing “wherein each of said at least one participant party is contacted via said call facility regardless of intention or availability and without a capability of responding or directly communicating with said call facility.” Applicants respectfully disagree with this interpretation of Hogan. In Hogan, the participating party clearly has capability to respond or directly communicate with the call facility. As taught in Hogan, a potential participant is given the opportunity to participate or not in the conference (column 16, lines 40-45). This is contrary to claim 1 which recites “wherein each of said at least one participant party is contacted via said call facility regardless of intention or availability and without a capability of responding or directly communicating with said call facility.” Thus, Hogan fails to teach this feature.

Further, the Examiner relies on Culbreth as allegedly teaching "wherein if one or more participant parties are unavailable for initial audio connection, then said call facility automatically re-attempts audio connection to said one or more participant parties unavailable for initial audio connection a predetermined number of times before dropping said one or more participant parties unavailable for initial audio connection." Applicants submit that Culbreth does not teach this feature. Culbreth is related to soliciting information from multiple recipients. Culbreth is not related to establishing conference calls, but rather collecting independent responses to requests for information. Claim 1 recites attempting audio connections associated with an audio conference. Culbreth is not related to audio conferences. There is no need to coordinate responses collectively at the same time in Culbreth as is required in a conference call situation. Thus, Culbreth does not teach "wherein if one or more participant parties are unavailable for initial audio connection, then said call facility automatically re-attempts audio connection to said one or more participant parties unavailable for initial audio connection a predetermined number of times before dropping said one or more participant parties unavailable for initial audio connection." Accordingly, even if Wu, Hogan and Culbreth are combined, the features of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Wu in view of Hogan and Culbreth. Claims 2-8, 11 and 25 depend from claim 1 and are patentable over Wu and Hogan and Culbreth for at least the reasons advanced with reference to claim 1.

Independent claims 19, 23 and 26 include features similar to those discussed above with reference to claim 1 and are patentable over Wu in view of Hogan and Culbreth for at least the reasons advanced with reference to claim 1. Claims 20-22 depend upon claim 19 and are patentable over Wu in view of Hogan and Culbreth for at least the reasons advanced with reference to claim 19. Claim 24 depends upon claim 23 and is patentable over Wu in view of Hogan and Culbreth for at least the reasons advanced with reference to claim 23. Claims 27-28 depend upon claim 26 and are patentable over Wu in view of Hogan and Culbreth for at least the reasons advanced with reference to claim 26.

Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Hogan et al. and Culbreth and further in view of Roy. Roy was relied upon for disclosing that a host destination is an Internet Protocol (IP) address. Roy, however, fails to cure the deficiencies of Wu and Hogan and Culbreth as discussed above with reference to claim 1. Claims 9 and 10 depend from claim 1 and are patentable over Wu and Hogan and Culbreth in view of Roy for at least the reasons advanced with respect to claim 1.

Claims 29 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Hogan et al. and Culbreth and further in view of Buskirk, Jr. Buskirk, Jr. was relied upon for disclosing that a host destination is an Internet Service Provider (ISP). Buskirk, Jr., however, fails to cure the deficiencies of Wu and Hogan and Culbreth as discussed above with reference to claim 26. Claims 29 and 30 depend from claim 26 and are patentable over Wu and Hogan and Culbreth in view of Buskirk, Jr. for at least the reasons advanced with respect to claim 26.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees

to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox  
Registration No. 38,807  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone (860) 286-2929  
Facsimile (860) 286-0115  
Customer No. 36192

Date: February 28, 2006

00225C1  
BILL-0025-C

11